

Approved: June 20, 2011

Minutes of the Meeting of the
Calais Committee on Unmapped and Unmaintained Roads
Calais Elementary School, April 4, 2011

Committee members present: Darby Bradley, chair; Reed Cherington; Charlotte Hanna Bassage; Warner Shedd; Eric Sorenson; John Meyer; Gail Graham.

Others present: Peter Harvey

1. **Approval of Minutes of December 1, 2010 meeting.** Upon the motion of Warner and second by Eric, the Committee unanimously approved the minutes, with a name change from Worcester Mountain Rd to Woodbury Mountain Road on page 3.
2. **Review for evaluating the remaining ancient roads.** The Committee then reviewed and discussed the criteria and procedures it would use in evaluating the remaining 16 unmapped and unmaintained roads. It considered a draft proposed by Eric dated March 20, 2010, edits to that draft proposed by Paul Hannan, and a third version proposed by John. The Committee agreed upon a three step process, which included elements of all three proposals. The first two steps include (1) an evaluation of whether the Town records show proper documentation in laying out the road, and (2) a determination of whether the road is "clearly observable" by physical evidence in the field. If the Committee's findings are negative on either inquiry, its evaluation will go no further, because the ancient road either did not legally exist or it was discontinued by the Town's vote for "mass discontinuance" on September 20, 2010.

If the Committee finds that there is adequate documentation laying out the road and physical evidence of a road or trail is clearly observable in the field, it will go on to step 3, which is to weigh both public and private interests in reaching a recommendation on whether the Town should discontinue or retain the road. After considerable discussion of the procedures and criteria suggested in the three drafts, the Committee agreed that Darby would prepare a document that merges elements of all three drafts, which it would review at its next meeting.

3. **The 16 remaining ancient roads** (see pages 6 and 7 of the December 1, 2010 minutes). The Committee then reviewed its assignments for evaluating the remaining ancient roads, and discussed preliminarily whether these would be handled by a 2- or 3-person team or as a committee of the whole. The Committee plans to complete its review and forward its findings and recommendations to the Selectboard this year. In

some cases, if landowners voluntarily wish to explore the option of granting a trail easement in lieu of having an ancient road across their land, the Committee will defer its assessment of the ancient road until those discussions have been completed.

A.S. Nelson and Spur – Eric has obtained the documentation. This road will be assessed by the committee of the whole after Eric's preliminary site walk.

Chickering Bog Road – Darby has consulted with Marge Garfield and Paul Hannan, and although the road is clearly observable, no survey was ever found in the town records. He will talk with The Nature Conservancy which owns a right of way from Lightning Ridge Road to Chickering Bog, but unless adequate documentation is found, the Committee's review will be at an end.

Dodge Road – Darby and John will review as a 2-person team. John hasn't researched it yet, but the road appears to be well documented.

Grist Mill I and II and Symonds Road – These roads are ready for evaluation by the committee of the whole. Eric will schedule the site walk after talking with the landowners.

Ormsby Roads (North and South Forks and Herb Scribner Road) – Reed has done the initial investigation, and will ask John to verify documentation. They will then do a preliminary site walk and schedule a site visit by the committee of the whole.

Perez Wheelock – Warner will get documentation, talk to the landowners, and schedule a site visit with Warner, Charlotte and the owners. The Broughs may be interested in having a town trail on their land, though no obvious links to other trails exist. Warner will report back to the committee.

Silas Hathaway, Sheple and Shubel Shortt Roads – Darby has collected documentation and will set a time with the owners to make a preliminary site visit. The Shubel Shortt Road appears to be a short spur, and may not be clearly observable in any event. The Silas Hathaway and Sheple Roads will be handled as a committee of the whole.

Sparrow Road Extension – Conrad Smith has walked the area but found no clearly observable evidence of a road. Charlotte will also ride the area and report back to the Committee on her findings..

Watson Pond Road – John will talk with the landowner, and make a recommendation on whether this should be handled by a 2-person team or as a committee of the whole.

West Curtis Pond Road – John has talked with the landowner, and learned that parts of the road have been formally discontinued. John and Reed will make a site visit, and report back to the Committee on their findings.

Next meeting. The Committee will next meet in East Calais for a site visit of the Gristmill and Symonds Roads. It also plans to meet again in June to discuss its progress on the other remaining roads. No firm dates were set. The Meeting adjourned at 8:38.

Respectfully submitted,

Charlotte Hanna Bassage

Approved: August 15, 2011

Minutes of the meeting of the
Calais Committee on Unmapped and Unmaintained Roads
East Calais Village, May 7, 2011

Committee Members present: Darby Bradley, chair; Gail Graham; Reed Cherington; Charlotte Hanna Bassage; Warner Shedd; and Eric Sorenson

Absent: John Meyer

Others present: Cyrus Parker; Syver and Mary Rogstad; Margaret Bowen; Lisa Wilson; John Risse; Erlene Leonard; Cy Lamberton

1. This meeting of the Committee was to conduct a field review the Symmonds Road, the Grist Mill I, and the Grist Mill II (Shortcut) and to hear concerns of the landowners on which these three ancient roads occur.
2. Darby provided an overview of the Committee's charge and Eric provided a summary of what the Committee knows about these three roads. Eric had plotted the expected locations of the three roads on a topographic map and aerial photo.
3. Representatives from all landowners on which these three roads occur were present at the meeting and site walk.
4. The Committee walked the current location of the Grist Mill II road that runs from Moscow Woods Road to near the foundation of the grist mill. It was discussed that the original location of this road is likely not where it is currently located due to considerable regrading of the area when Moscow Woods Road was rebuilt. The current road is clearly visible.
5. Grist Mill II is entirely on the Bowen property and Margaret Bowen expressed the family's position that they would like this road to be discontinued.
6. The Committee walked the Grist Mill I road, which is also clearly visible from near the mill foundation to Moscow Woods Road. This road crosses properties owned by Wilson, Rogstad, and Risse, is maintained, and has been used by the public for many years, primarily for walking. The old grist mill foundation is on Risse property but is clearly visible from the Grist Mill I road, as are the falls of the Kingsbury Branch.
7. Rogstads, John Risse, and Lisa Wilson agreed to discuss potential uses of the road and propose a solution that minimized impacts to the Wilson house (the road runs through the back yard) but that continues to provide access to the Risse and Rogstad properties.
8. The Committee walked the northern end of the existing trail and woods road on the Dwinell property. It was unclear at the time of the site walk if this is the same location as the Symonds Road that is recorded in town records. There is still much uncertainty about the location of the Symonds Road.

9. The Committee asked Cyrus Parker to discuss the Symmonds Road with the Dwinell family and to make recommendations to the Committee on their preference for maintaining or discontinuing this as a town road. The Committee also discussed the public access that the Dwinell family has provided to their land in the past and the possibility of a trail easement on the property.
10. All landowners present were notified that a future meeting of the Committee would include more specific discussions about these three roads and that their input on the roads futures would be helpful for the Committee in forming its recommendation to the Selectboard.

The field inspection was concluded at about noon.

Respectfully submitted,
Eric Sorenson

Approved: August 15, 2011

Minutes of the meeting of the
Calais Committee on Unmapped and Unmaintained Roads
Town Hall, June 20, 2011

Committee members present: Darby Bradley, chair; Gail Graham; Reed Cherington; Charlotte Hanna Bassage; Warner Shedd; Eric Sorenson.
Absent: John Meyer

Others present: Syver and Mary Labate Rogstad;

1. Approval of Minutes

Eric moved, Warner seconded, and the Committee unanimously approved the minutes of the April 4, 2011 meeting with one minor correction. Eric will draft minutes for the site walk of May 7, 2011 to Grist Mill I and II and Symonds Road in East Calais.

2. Procedures and Criteria for Evaluating Calais's Ancient Roads

After a wide ranging discussion of the June 8 draft of the proposed Procedures and Criteria for evaluating the remaining ancient roads, including questions about the meaning and necessity of a "Certificate of Opening" and several changes to Landowner Values and Other Considerations, Charlotte moved, Reed seconded and the Committee adopted unanimously the Procedures and Criteria attached to these minutes as Appendix A.

3. The 16 remaining ancient Roads.

Having adopted the Procedures and Criteria, the Committee then applied them to **Grist Mill I and II**, which the Committee had visited on May 7. The Committee had not received a recommendation from the Dwinell family, which owns the land where the **Symonds Road** is believed to be located, so a decision was deferred until the next meeting.

As to **Grist Mill I and II**, the Committee found adequate documentation of the road and "clearly observable evidence" of the roads to satisfy Steps One and Two of the attached Procedures. It then catalogued the Public and Private Values in Step Three for each Road.

Grist Mill I (located across from current mill: 3 landowners).

Public Values

- The public historical, educational and scenic benefit of access to the falls and old mill sites is significant. Although the falls and mill are on private land, they are very visible from Grist Mill I road.

- The Town Plan calls for development in the villages, but the narrowness of the land between the Helen Wilson house and the river makes development very limited.
- The Town Plan places protection of the Kingsbury Branch as a high priority.
- In the winter, snowmobiles use the road with the permission of the affected landowners to reach the East Calais store for gas and food.
- Large numbers of users seem unlikely, according to one adjacent landowner, so significant impacts seem unlikely.

Landowner Values

- The old mill and riverside are privately owned. Even if the road is retained, the public has no right to access these sites without the landowner's permission.
- The Committee received a letter from Lisa Wilson on behalf of her mother, Helen Wilson, requesting discontinuance.
- Adjacent landowners Syver and Mary Labate Rogstad stated that they did not object to continued public access.
- The road provides access to a landlocked parcel belonging to John Risse. The Committee was given a draft agreement between the 3 landowners (Wilson, Rogstad and Risse) that would provide for continued driveway access to the owners, if Grist Mill I is discontinued. The draft was authored by Gaston and Fairbanks, PLLC, but there has been no final agreement among the landowners.

Other Considerations

- A public trail easement could replace the ancient road, but would require the agreement of all the affected landowners.
- The existence of this ancient road appears to have been well known by landowners in East Calais village.

The Committee decided that it would be impossible to reach a recommendation on **Grist Mill I** without considering **Grist Mill II** at the same time, so it went through Step Three for **Grist Mill II**. It found that the same criteria generally applied to both roads, except that:

- **Grist Mill II** crosses only one ownership (Bowen), instead of three, and doesn't pass as closely to any house.
- **Grist Mill I** provided better views of the falls and old mill sites.
- The area around **Grist Mill II** was regraded, so that the present path may not be in the exact location as the original ancient road.
- **Grist Mill II** could provide an alternate path for snowmobiles heading for the store, although the distance on the town road would be longer than via **Grist Mill I**.
- During the site visit, the Bowens expressed their desire to see **Grist Mill II** discontinued.

The Committee then moved to Step Four, in which it weighed the identified public and private values for **Grist Mill I and II** together. After considerable discussion, the Committee reached the following preliminary conclusions unanimously:

- That the falls and old mill sites represent a special part of Calais' history, and public pedestrian access to a point where these could be viewed should be preserved for historic, educational and scenic interest.
- Public access could be preserved by maintaining one or both of the Grist Mill roads, or a public trail easement could replace the ancient roads, if the landowners agree. Such agreement could also address the issue of private vehicular access, as the draft agreement provides.
- Absent agreement on a trail easement, the Town should maintain one or both of the Grist Mill roads, although perhaps in public trail status.
- The existence of multiple landowners with different opinions makes the Committee's decision more complex.

Recommendation. Because not all of the landowners could be present at the meeting, the Committee decided to delay a decision until after the affected landowners had learned of the Committee's preliminary conclusions and had an opportunity to respond to them. The Committee agreed to inform the landowners that it had concluded that the Town should maintain some public access to view the falls and mill sites, and ask them to consider how best to accomplish this objective with the least impact on the landowners. The Committee felt that the access should be for pedestrian use and non-motorized vehicles. Motorized use would be limited to adjacent landowners and their guests, or could be expanded by separate agreement among all affected landowners (eg, snowmobiles). The Committee would be pleased to discuss its thinking with the landowners, and will consider its final recommendation to the Calais Selectboard after the landowners have had an opportunity to think this through. Syver and Mary Rogstad support this.

A.S. Nelson and Spur.

Eric received permission from Doug Lilley to walk the road with Doug. Eric also spoke with Juanita Nunn and has permission to walk; Eric has not talked with the third landowners, Lisa Middleton and Damien Loesch.

Eric has not made a field visit. The committee will wait until Eric's field walk is completed before considering a committee walk.

Chickering Bog Road.

No documentation appears anywhere, though the road is clearly visible.

The landowners are happy to have it discontinued as a town road.

The Nature Conservancy owns a permanent right-of-way that provides access to Chickering Bog from Lightning Ridge Road. Since the road doesn't meet the requirements of Step One, the Committee will not evaluate it further, and will recommend discontinuance to the Calais Selectboard.

Dodge Road.

No additional information was available.

Ormsby Roads.

Reed reported that he and John Meyer had visited the site. Part of the **South Fork** is clearly observable and it appears to have adequate documentation, but it only leads to an old cellar hole (after crossing a swamp), and does not connect to any trail or public right of way. The **North Fork** leads to the same cellar hole, but has less certain documentation. In any event, the **North Fork** was subsumed by the **Herb Scribner Road**.

There is a complete survey of the **Herb Scribner Road**, and it is clearly visible on the ground. In fact, the lower (eastern) end follows the same alignment as the Mirror Lake Road, which is a regularly maintained Town Road. Where the **Herb Scribner Road** branches off from the Mirror Road, there are some beautiful stone walls. However, it is about 1/3 of a mile long, and runs close to an otherwise secluded camp. The road also has no connections to other footpaths or public rights of way, so Reed and John are both recommending discontinuance.

After discussion, the Committee voted unanimously to recommend discontinuance.

Perez Wheelock.

Warner reported that the road reaches a dead end. The documentation of the road suggests that the southern end of the road may cross Steve Duke's land. Peter Brough disagrees and believes the entire road is on the Brough land. The road is supposed to be .42 mile long, but may have no connection to other trails or rights of way, unless a trail easement is created. Warner and Charlotte will walk with the Broughs when they return from a trip, and will report their findings to the Committee at the next meeting.

Shubel Shortt Roads.

Darby reported that some of the documentation is missing, the location of the road is uncertain, and it's too short (0.2 miles) to connect to other points of interest. He will recommend discontinuance.

Sheple and Silas Hathaway Roads.

Darby walked these roads with Gail and John Brabant. The **Sheple Road** on John Brabant's land is clearly observable, and leads to some interesting stone walls and foundations. However, they were unable to find any evidence of the **Silas Hathaway Road**, possibly because the map was inaccurate. Darby will prepare a new map based on Gail's recommendation on where the road may merge with Leonard Road. Then the three of them, plus the GIS mapper, will walk the site again to see if there is any evidence of the road on the new

alignment. Darby will report his findings at the next meeting, and then will schedule a site visit by the Committee of the Whole.

Sparrow Road Extension.

No new information available.

Watson Pond Road.

No new information available.

West Curtis Pond Road.

No new information available.

Committee members were asked to complete all their assignments before the fall, so that any final site visits and the Committee's recommendations can be completed by the end of the year.

The tentative date for the next Committee meeting is Monday, August 15, 2011.

Respectfully submitted,

Charlotte Hanna Bassage

Approved: June 20, 2011

Procedures and Criteria for Evaluating Calais' Ancient Roads

The Calais Committee on Unmapped and Unmaintained Roads has completed its evaluation and recommendations on 24 of 40 ancient roads identified during the Calais Ancient Roads Team (CART) research phase. Many of the 24 roads were not “clearly observable” in the field and were legally discontinued by virtue of the Town’s vote for “mass discontinuance” in September 2010. Physical evidence of their existence was observable in the other cases, but they were largely “short spurs”, and the Committee found no apparent public benefit or purpose in retaining them as a town highway or trail. It therefore recommended that the Selectboard discontinue these roads through a formal legal process.

Of the 16 remaining roads which the Committee has not yet evaluated, most are longer in length and some could possibly involve a conflict between the desire of some landowners to have discontinuance and public and private interests in keeping them as a public road or trail. The Committee therefore developed a set of procedures and criteria, which it will use in reaching a recommendation to the Calais Selectboard on whether the Town should retain or discontinue an ancient road.

The Committee will follow a four-step process in assessing these remaining roads:

Step One – Document Review

Based upon the documents identified by CART and others, the Committee will determine:

1. Was the road legally laid out and opened by the selectmen according to law? Yes/No
2. Is there a bona fide survey or description of the road? Yes/No
3. Can the survey of the road be clearly mapped (ie, the road has an identifiable beginning and end)? Yes/No

The committee will end its assessment if the answer to any of these questions is “No,” and recommend discontinuance to the Selectboard.

Comments These, in essence, are the legal elements required for creating a public highway, as articulated by the Vermont Supreme Court in the Middlesex opinion. The Committee acknowledges that a public road can be created by “dedication and acceptance”, so that if there is evidence that the Town once maintained an ancient road, this may be relevant to its legal existence. It also appears that Calais selectboards did not routinely use “Certificates of Opening” prior to the 1850s and 1860s, a requirement that the Vermont Legislature ultimately repealed.

Step Two – Clearly Observable Evidence

Because the Town voted for “mass discontinuance”, all ancient roads which “are not clearly observable by physical evidence of a road or trail” have now been legally discontinued. The Committee will therefore determine:

1. Is there clearly observable physical evidence of the existence of a road or trail in the location indicated by the survey? Yes/No

The committee will end its assessment if the answer is “No,” because the road was already discontinued by virtue of the Town’s vote for “mass discontinuance”.

Comments. If there is no “clearly observable” physical evidence of the road’s or trail’s existence, the Committee’s inquiry will go no further. The road or trail need not be observable along its entire length, but there must be sufficient physical evidence to enable the Committee to consider that a road did exist at one time in the past.

Step Three – Identification of Public and Private Values and Concerns

In the event the Committee finds that there appears to be sufficient legal documentation to indicate that a road has been properly surveyed and laid out, and that there is clearly observable physical evidence of the road or trail, the Committee will then consider a variety of public and private values and concerns in reaching its recommendation on whether the ancient road should be retained or discontinued. The Committee should identify all of the relevant factors and criteria that may be relevant to each ancient road. These are stated here in no particular order and without regard to one being more or less important than another. It is also possible that other values or concerns that the Committee has not thought of will become evident during their evaluation.

Landowner Values, Interests and Concerns

- The existence of the road and its use by the public would have a significant negative or positive impact on the landowners’ use and enjoyment of their land.
- The existence of the road and its use by the public would have a significant negative or positive impact on neighboring landowner’s use of their land.
- The road has the potential to create barriers to using adjacent property for wastewater disposal or access to sources of drinking water.
- The road provides access to an otherwise landlocked parcel or portion of a parcel.
- The existence of the road would negatively or positively impact the use of the land for agriculture or forestry.
- The road attracts illegal or damaging use, such as mud-trucks.
- The statements made by the landowners and their reasons in favor of retention or discontinuance of the road should be noted in the Committee’s report.

Public Values, Interests and Concerns

- The road provides access to a public resource or public point of interest that has historic, recreational, educational or scenic value.
- The road has the potential for allowing development in an area where the Town plan envisions more development.
- The road has the potential for encouraging development in an area where the Town plan envisions a low density of development.

- The road has potential for being part of a local or regional network of public trails.
- The existence of the road would be useful in the event an existing road is washed out or otherwise becomes impassible.
- The cost of enforcing appropriate use of the road may be greater than the public benefit of its continued existence.
- The existence of the road and existing and potential future uses of land along the road will have a negative or neutral impact on the following natural resources:
 - Wetlands
 - Floodplains
 - Streams
 - Ponds
 - Vernal pools
 - Significant wildlife habitat (eg, deer yards, mast stands, important turtle habitat)
 - Significant natural areas or natural communities
- Existing and potential future use of the road may have a negative impact on contiguous habitat (eg, core forests) or habitat connectivity (eg, wildlife corridors).

Other Considerations

- The existence of the ancient road was known or what not known to the affected landowners before the CART (Calais Ancient Roads Team) research process started.
- The public values and interests can be satisfied through use of an existing road or trail without the existence of the ancient road.
- The landowner is willing to address the public values and interests by approving a relocation of the road, or by granting a trail easement in the same or a different location, or by other means.
- The Town can balance private and public interests by designating the ancient road as a “public trail” with specific conditions to protect the landowners’ interests.

Step 4 – Weighing the Relative Values and Concerns to Reach a Recommendation

The final step in the process is to assign a relative weight to each value and concern identified in Step 3, and to decide upon a recommendation to the Calais Selectboard. In any particular case, some of the relevant criteria or factors may carry little importance, and others may clearly be of paramount importance. In determining what the balance of public and private considerations should be, the Committee should weigh the relative importance of each criteria or factor. A strongly negative private impact, when weighed against a minor public interest, would seem to argue for the Committee’s recommending discontinuance of the road. On the other hand, a strong public interest, when weighed against a minor private inconvenience, may suggest a recommendation that the road be retained. In each case where there is not irreconcilable conflict between public and private interests, the Committee and landowners are encouraged to find solutions that will accommodate the legitimate interests of both, recognizing that any final agreement must be approved by both the landowners and the Town.

In the final analysis, the recommendations of the Committee are merely recommendations, and the final decision must be made by the Calais Selectboard.

Approved: September 26, 2011

Minutes of the meeting of the
Calais Committee on Unmapped and Unmaintained Roads
Town Hall, August 15, 2011

Committee members present: Darby Bradley, chair; Gail Graham; Reed Cherington; Charlotte Hanna Bassage; Warner Shedd; Eric Sorenson.

Others present: Cy Lamberton, Jim Hoague, Lisa Wilson

1. Approval of Minutes

Warner moved, Eric seconded, and the Committee unanimously approved the minutes of June 20, 2011.

Warner moved, Eric seconded and the Committee unanimously approved the minutes of May 7, 2011 site visit in East Calais village with corrections and clarifications.

2. Updates on remaining roads

Grist Mill I (Wilson) and II (Bowen). The Committee revisited its prior discussion about these ancient roads. Lisa Wilson asked several questions including how to ensure the road doesn't turn into a vehicular roadway. Her goal is to give access to John Risse and to local people, but to keep vehicles out. Gail suggested that a gate could be installed that allowed pedestrian access and would discourage motor vehicles. Darby explained that John Risse would have access as a landowner independent of any decision by the Selectboard to keep or discontinue the road. Lisa requested that any recommendation to keep the road include dimensions; so, for example, if the recommendation is to keep the road as a trail, the recommendation should include how wide the trail should be.

Darby suggested that the landowners talk with one another and pursue an agreement. One alternative available they may want to explore is to create a pedestrian trail easement to replace the ancient road, which would preserve public access but build in greater protections for the landowners. The committee deferred its decision and recommendation until its next meeting on September 26.

Symonds Road (belongs to Dwinells). Eric received several documents related to the Symonds property. Eric will recommend action to the committee when he has heard from the Dwinell family and read the documents.

A.S. Nelson and Spur.

Darby and Gail will take this assignment over from Eric. Gail will arrange a meeting with the landowners.

Chickering Bog Road (to East Montpelier line).

Darby spoke with Marge Garfield and Paul Hannan. They concluded that although portions of the road are clearly observable, there is no survey or record of selectboard action laying out the road. The Nature Conservancy does have a legal access to Chickering Bog, which appears to coincide with the road, although this does not extend all the way to the East Montpelier line. Darby suggested the committee recommend "No Action", because it does not appear that the road ever came into legal existence. Reed moved, Charlotte seconded, and the Committee unanimously approved this recommendation.

Perez Wheelock Road.

Warner checked the town tax maps and concluded that one end of the road crosses Steve Duke's land. Peter Brough said that the tax map is in error, and that the road lies entirely on the Brough land. Peter would like to see non-vehicular public access remain, perhaps via an easement rather than as an ancient road.

Warner, Reed and Darby will meet with the landowners before September 26, if possible, to explore their preferences.

Shubel Shortt Road.

Darby says this is .2 mile "short spur" that extends north from Lightning Ridge Road. There is no record that the road was surveyed or formally laid out. For these reasons, he did not contact the landowners or try to determine whether the road is "clearly observable". He recommended "No Action", because it does not appear that the road ever came into legal existence. Reed moved, Gail seconded, and the Committee approved unanimously to recommend No Action.

Sheple Road (entirely on Brabant land ending at Sheple house foundation) and Silas Hathaway (from the end of Sheple house to Leonard Rd).

Darby, Gail and John Brabant walked Sheple Road and attempted to find the Silas Hathaway Road in early June. Sheple Road lies entirely within the Brabant land, extending from Singleton Road to the foundations and stone walls of the former Shepley homestead. Sheple Road is "clearly observable".

They were not able, however, to find any evidence of the Silas Hathaway Road, which is supposed to run from the Shepley homestead southward across the Brabant and Graham property to Leonard Road. Gail thought that if the road existed, it intersected Leonard Road along the Graham-Orr boundary. Darby then asked Kris Hammer, a Vermont Land Trust regional stewardship manager with GPS skills, to rotate the survey map, so that it terminated at this point.

On August 13, Darby, John, Gail and Kris revisited the road beginning on Leonard Road. Although a woods road exists on the Orr land, there was no evidence of this road having ever existed on the Graham or Brabant land, except for one gap in the stone wall on the Graham-Brabant boundary and a fordable location on the stream. Darby concluded that while one could infer that these features might have been associated with the ancient road, this did not rise to the level of being "clearly observable". Thus, the road would have been discontinued by virtue of the Town's 2010 vote for "mass discontinuance". In addition, although the Silas Hathaway Road had been surveyed, there is no evidence that it was ever laid out. Therefore, Darby recommended, and upon Charlotte's motion and Warner's second, the Committee approved unanimously to recommend "No Action" to the Selectboard. Since several of the Committee members are already familiar with Sheple Road, there is no need for the committee as a whole to take a field visit. Committee members who had not already seen the road will contact John to make a site walk. The Committee will discuss this road at the September 26 meeting.

Gail recused herself from discussion and abstained from the vote.

Homework:

Reed will contact John Meyer to complete the evaluation of West Curtis Pond Road, Dodge Road, and Watson Pond Road.

Individual members will contact John Brabant to visit the Sheple Road.

Gail will contact Doug Lilly and other landowners to visit the Nelson Road and Nelson Road Extension.

Reed will contact Peter and Jan Brough to explore the easement option.

Members will follow up on their previous assignments and new visits noted above.

Next meeting September 26 at 7:00pm.

The meeting adjourned at 9:00pm.

Respectfully submitted,

Charlotte Hanna Bassage

Approved: November 2, 2011

Minutes of the meeting of the
Calais Committee on Unmapped and Unmaintained Roads
Town Clerk's Office, September 26, 2011

Committee members present: Darby Bradley, chair; Gail Graham; Reed Cherington; Charlotte Hanna Bassage; Warner Shedd; John Meyer; Eric Sorenson.

Others present: Cy and Pat Lamberton, Lisa Wilson, Syver and Mary Labate Rogstad, Jim Hogue, Peg Bowen.

1. Approval of Minutes

Warner moved, Gail seconded, and the Committee unanimously approved the minutes of August 15, 2011 (Draft dated September 7) .

2. General Updates

Darby will meet with the selectboard on October 10 to report on the recommendations to date (mostly short spurs).

3. Updates on remaining roads

Grist Mill I (on Wilson,) and II (Bowens').

Darby summarized for everyone the criteria for evaluating ancient roads and the three steps outlined, which the committee had previously adopted. He also read from the minutes of June 20, 2011 the committee's application of those criteria.

Comments from landowners:

- Lisa Wilson's concerns continue to be preventing access by motorized vehicles, and maintaining the resale value of the Wilson house, while continuing public foot-path access.
- Syver and Mary Labate Rogstad are fine with retaining the kind of public access currently in place.
- Peg Bowen says that Grist Mill II is not a visible road, because what exists was created by Gene with his bulldozer. The owners' corners are unclear; as a result, Grist Mill I and II may not touch. Peg also notes that the falls are not visible from Grist Mill II.
- If the town keeps the road, the landowners prefer the designation of town trail.

Committee comments:

- The committee's objective is to maintain public access to the river, the falls and the historic foundations.

- Recommending a town trail would be in keeping with the landowners' preferences, acknowledging that the town can designate any trail as non-motorized.
- Eric raised a concern about retaining public access to an ancient road merely because it went to "pretty" places. He concurred, however, Grist Mill I goes well beyond this because the site is an important part of East Calais village history and culture, and because the Kingsbury Branch falls are one of the few large falls in Calais and the reason for the mill location.
- Reed noted the long-standing general knowledge that Grist Mill I is a public right of way, which makes this road somewhat unique among the ancient roads.
- Darby summarized the recommendation that it be preserved as a town trail. In making this recommendation, the Committee does not intend to affect any private right of way that may allow vehicular access.

John moved, Warner seconded a recommendation to the selectboard that Grist Mill I be reclassified as a legal town trail and designated for non-motorized use. The motion carried unanimously.

Eric moved, Gail seconded that Grist Mill II be discontinued. The motion carried unanimously. The reasoning is that Grist Mill I provides the access that meets the town's interest; Grist Mill II may not connect to Grist Mill I, and provides nothing that Grist Mill I does not.

Darby will draft a decision explaining more fully the Committee's findings and decisions for the Committee's review at the next meeting.

Symonds Road (located on Dwinell land).

Eric spoke with Chris Bradley, cousin of Cyrus Parker (who came on the field walk), on behalf of the Dwinell family. The family is happy to have people continue to use the land as they do now on foot and by snowmobile. They wish to have the road discontinued.

Erlene Leonard has documentation about the Symonds, which references a deed, and describes the road, including dimensions from the main road (Rte 14). The town records contain clear documentation.

The committee will continue this discussion at the next meeting.

Perez Wheelock Road (located on Brough land).

Reed and Darby will meet with the Broughs on October 9 to explore easement ideas. They are receptive to pedestrian public access. Peter Brough clarified that the town map was in error and he clearly owns the land. Darby and Reed will provide an update at the next meeting.

Sheple Road (located on Brabant land ending at Sheple house foundation).

Not all members have yet walked this road.

The committee will discuss this at its next meeting.

Sparrow Road extension.

Charlotte will continue to investigate, and will talk with Conrad Smith about where he has previously walked.

A.S. Nelson and Spur.

Darby and Gail will take this over from Eric. They will do a preliminary site investigation after fall foliage weekend. Gail has spoken with some of the landowners (there are quite a few: Doug Lilley, David Rogers, Lisa Middleton, Juanita Nunn-Hudson)

Dodge Road (located on Bayne land).

John will take this on starting with the files. John and Darby will make the initial site investigation.

Watson Pond Road (location uncertain, east of West County Road).

John and Reed were unable to locate the road. John has written up their findings and recommendation for discontinuance. Darby will distribute their report for discussion and decision at the next meeting.

West Curtis Pond Road (located on Gallagher land, west of West County Road).

After talking with Steve Gallagher, John and Reed made a site visit to the road. According to Town records, the southern portion of this road running through the Bancroft (now Patrick Malone) property was officially discontinued. Although the road is not visible on the Malone land, much of it is visible on the Gallagher property. However, it does not lead to any other public trail or road, and it passes through the Harriet Gallagher homestead between the house and barn. The Gallaghers would like to see the road discontinued. John and Reed recommend discontinuance. Darby will distribute their report for discussion and decision at the next meeting.

4. Other Business

Jim Hogue had several questions for the committee. One of his questions was about Newton Road. The committee had already recommended discontinuance to the selectboard based upon the request of three landowners and information that East Montpelier did not intend to retain the road on its side of the line. Darby said that Jim should address the selectboard if he wishes to reopen the discussion on that road. Jim believes that East Montpelier did not discontinue the road, and therefore there is a basis for reconsideration.

Jim is also concerned that the selectboard and the committee are discontinuing roads that are Calais resources, our commons. He wishes for the town to preserve its ancient roads.

He submitted several written question which were passed to the chair.

Next meeting November 2 at the Town Clerk's Office at 7:00pm.

Gail will pick up the key beforehand.

The meeting adjourned at 9:00pm.

Respectfully submitted,

Charlotte Hanna Bassage

Approved: December 5, 2011

Minutes of the meeting of the
Calais Committee on Unmapped and Unmaintained Roads
Town Hall, November 2, 2011

Committee members present: Charlotte Hanna Bassage; Darby Bradley, chair; Reed Cherington; Gail Graham; Warner Shedd; and Eric Sorenson. Absent: John Meyer.

Others present: Syver Rogstad, Cy Lamberton, Rose Pelchuck, John Brabant, Chris Reed, Richard Czaplinski

1. Approval of Minutes

Warner moved, Gail seconded, and the Committee unanimously approved the minutes of September 26, 2011.

2. Grist Mill I and II

Darby had sent a draft decision dated 10/26/11 explaining the Committee's findings and recommendations. The decision is in the form of a memorandum to the Selectboard. Charlotte moved, and Reed seconded, and the Committee approved the memorandum as written.

3. Newton Road – Request for Reconsideration

The Calais Selectboard had received a letter from Jim Hogue and a subsequent e-mail from Jeff Fannon and Sharon Winn Fannon which objected to the Committee's earlier recommendation that Newton Road be discontinued. Darby read the Fannon e-mail aloud. He said that the Committee would consider both communications as a request for re-consideration. The question that the Committee needed to decide was whether sufficient new information had come to light since the Committee's earlier decision that reopening the file is warranted.

Darby explained that there had been some confusion about the status of this road. East Montpelier has not formally discontinued the road, as previously stated, but had decided not to place any of its ancient roads on the East Montpelier Town Highway Map. The intent is to allow East Montpelier's ancient roads to expire by operation of the statute as of July 1, 2015. This would leave Newton Road as a dead-end after that date.

Reed and Warner previously walked the road, and Reed had talked with the four Calais landowners affected (Tony French, Chris Reed, Rich Czaplinski and The Nature Conservancy of Vermont). All four had requested that the road be discontinued. Charlotte stated she had since learned that many people in Calais walk a U shaped loop starting from Lightening Ridge Road, up Chickering Bog Road, then across the border of The Nature Conservancy land to Newton Road, and back to Lightening Ridge Road. Apparently some Calais residents consider the path a "generally used public way", although most of the loop crosses private land.

Chris Reed stated that The Nature Conservancy wishes to control access to the bog to the east side, and doesn't want people to access the bog from the west side via the Newton Road. He also said that the connection between Chickering Bog Road and Newton Road is on Tony French's land. Rich says the road ends in his woods, doesn't go anywhere, and is in an ecologically sensitive upland area, although he gives permission to those who ask to use it. Rose Pelchuck spoke in favor of keeping the trail available as a beautiful asset, and agreed with the perception that Newton Road is a "generally used public way". Darby said that because the existing trail crosses private land, the Calais Trails Committee might try to negotiate a trail agreement with the affected landowners to keep the loop open for recreational use.

Eric moved, and Warner seconded, that the Committee not reopen its consideration of the Newton Road, but instead leave the decision to the Calais Selectboard. The Selectboard must decide whether to retain or discontinue the road in any event. In communicating this decision to the Selectboard and interested persons, the Committee wanted to encourage the Selectboard to hold a public hearing on the case, so that everybody will have an opportunity to express their opinions and the Selectboard will have all relevant information before making a decision. After further discussion, the motion was approved unanimously.

4. Sheple Road (located on Brabant land).

The Sheple Road begins on Singleton Road opposite the Brabant homestead, and runs easterly to the foundations and stonewalls of the former Sheply homestead. John Brabant gave a short history of the road. As originally laid out in 1823, it served three parcels of land. Subsequently, three parcels were united into a single ownership circa 1850, after which Sheple Road was no longer used as a public highway. It is still used today as a private farm and woods road, and is "clearly observable". Some of the Sheply foundations and stonewalls can be seen from the end of Sheple Road, although others can be seen only by leaving the road and going onto the Brabant property.

All of the Committee members, except John Meyer, had walked this road at different times. At one time, it was thought that the eastern terminus of Sheple Road might connect to the northern terminus of the Silas Hathaway Road, which is believed to have run south from the Sheply homestead across the Brabant and Gail Graham properties to Leonard Road. However, after two site visits, including one with a GPS specialist, Darby had been unable to locate any "clearly observable" evidence of the Silas Hathaway Road. It was therefore presumed to no longer legally exist by virtue of the Town's vote for "mass discontinuance".

Using the "Procedures and Criteria for Evaluating Calais' Ancient Road" approved on June 20, 2011, the Committee found that the Sheple Road meets both Step One and Step Two, having adequate legal documentation and being "clearly observable" on the ground. The Committee then went through Step Three to identify landowner and public values, interests and concerns and other considerations. On the landowner side, the Committee noted that John Brabant had requested

discontinuance. The road starts immediately across from the Brabant homestead, and runs through one of his principal pastures. The Committee concluded that the existence of the road would negatively affect the landowners' enjoyment of their land and its use for agricultural purposes.

On the public side, the Committee concluded that the foundations and stonewalls were a private resource, but constituted a public point of interest under the criteria. Not only are the structures in exceptionally good condition, but the stone-lined sheep pen is one of the few remaining on-the-ground examples of a time when sheep dominated Calais' agricultural economy. The Committee considered the foundations to be of both historic and educational interest. On the other hand, the Sheple Road does not disturb any important wildlife or ecological resources, and because the Brabant land is under conservation easement, it was not a factor in promoting or limiting future development.

Under "Other Considerations", the Committee noted that unlike Grist Mill I, which the Committee recommended be retained as a trail, the public was not generally aware that Sheple Road existed as an ancient road. The Brabants understood that a public road had once existed in this area, but assumed that it was no longer in existence. The Committee then turned to Step 4, which is to weigh the relative values and concerns to reach a recommendations. After an extensive and lively discussion, the Committee reached a consensus that despite the historic and educational value of the foundations, the inconvenience of traffic in front of the landowner's house, as well as the disruption of traffic through a working field, outweighed the value of public access. Had the Sheple Road been in less intrusive location, or had it connected to the Silas Hathaway Road to form a trail link, the Committee might have reached a different conclusion.

Eric moved, and Reed seconded, that the Committee recommend discontinuance of the Sheple Road. The motion carried unanimously. In doing so, the Committee acknowledged the significant historical nature of the sheep pen and other foundations, and hoped that a way would be found to provide public access through a less intrusive route.

5. Watson Pond Road (east of West County Road, Miller land).

The Committee received John Meyer's and Reed Cherington's Field Review Sheet following their walk on Ken Miller's land. They were unable to find any "clearly observable" evidence of the existence of the road or of the foundation mentioned in the survey. Therefore, in all probability, the road has been discontinued as a result of the Town's vote for "mass discontinuance". Reed moved and Warner seconded that the Committee recommend no action. The motion carried unanimously.

6. West Curtis Pond Road (west of West County Road, Gallagher land).

The Committee received the Field Review Sheet prepared by Reed and John following their site walk. They found that the road is visible at the very northern end, but that the whole southern section located on the Bancroft (now Patrick Malone land) had been formally discontinued many years ago. The remaining section does not connect to other road or trail network, nor does it provide access to Curtis Pond. While there are views of the pond, these were not deemed as

special. The landowners requested the road discontinued, in part because it leads directly through the Harriet Gallagher homestead. Finding no significant public benefit in retaining the road, Reed moved, and Darby seconded, that the Committee recommend the road be discontinued. The motion carried unanimously.

7. A.S. Nelson Spur and Extension.

Gail and Darby reported briefly on their site walk on the Doug Lilley Farm with Doug, Brent Lilley, David Rogers, Juanita Nunn and Lisa Middleton. Their Field Review Sheet will be distributed in advance of the next meeting, but the A.S. Nelson Extension is not "clearly observable", which leaves the A.S. Nelson Spur a dead-end. The Committee will consider the case at its next meeting.

8. Symonds Road (near East Calais Village).

Eric reported that he had made some interesting findings and would report on the status of this road at the next meeting.

9. Sparrow Road extension (running from Martin Road to Fowler Road).

Charlotte had spent an afternoon riding in this area, and would report her findings at the next meeting.

The meeting adjourned at 9:05pm.

The next meeting is Monday, December 5 at 7:00 pm at the Town Clerk's Office.

The Committee's objective to complete its work by then, so that it can make a report to the Selectboard and the Town.

Respectfully submitted,

Charlotte Hanna Bassage

MEMO TO: Calais Selectboard

FROM: Calais Committee on Unmapped and Unmaintained Roads

RE: Ancient Roads - Grist Mill I and Grist Mill II, East Calais Village

DATE: November 2, 2011

This memorandum explains the decision reached by the Committee on September 26, 2011, to recommend that the Town retain public ownership of the ancient road known as **Grist Mill I** and discontinue ownership of a nearby ancient road known as **Grist Mill II**. In reaching these recommendations, the Committee followed the process set forth in its Procedures and Criteria for Evaluating Calais' Ancient Roads approved on June 20, 2011.

Summary of the Committee's Process and Findings.

Committee member Eric Sorensen reviewed the documentation of the two roads in the Town's CART files, and arranged a site visit for the full Committee on May 7, 2011. **Grist Mill I** is located on the west side of the Kingsbury Branch of the Winooski River, running south from Moscow Woods Road for a distance of 0.12 miles (630 feet+/-). The road crosses three ownerships: Helen Wilson (represented by her daughter Lisa Wilson); Syver and Mary Labate Rogstad; and John Risse. The road is visible throughout its entire length. It was originally surveyed and laid out by the Calais Selectboard in 1865 as a 2-rod road. It was subsequently resurveyed and accepted by the Selectboard in 1878. All of the documentation appears to be in good order.

Grist Mill II also runs south for a distance of 0.07 miles (370 feet +/-) from Moscow Woods Road toward the Kingsbury Branch. It begins approximately 100 yards west of **Grist Mill I**. **Grist Mill II** lies entirely within the property of Katherine Bowen, who was represented by her son and daughter-in-law Gene and Peg Bowen and by her daughter and son-in-law Pat and Cy Lamberton. The road was surveyed and laid out as a 3-rod road in 1895. The documentation appears to be in good order. It is not clear whether the original road is visible. A path not more than five feet in width in places is clearly visible and appears to run in the general vicinity of the road. However, the Committee was advised that this path was bulldozed by Gene Bowen to provide access to a garden.

Because of their proximity, the Committee decided to consider **Grist Mill I** and **Grist Mill II** together. However, the Committee was not able to determine whether the ends of the two roads actually touched to form a loop with Moscow Woods Road.

The May 7 site visit was attended by fifteen Calais residents and landowners, including the owners or representatives of the four properties involved. The Committee also took the

opportunity to visit the adjacent Dwinell property where the ancient road known as the Symonds Road is located. No decision has been reached on the Symonds Road.

The Committee first deliberated its finding on **Grist Mill I** and **Grist Mill II** on June 20, 2011. Several landowners were present. At the conclusion of the discussion, the Committee reached some preliminary conclusions, but decided to delay a decision because not all landowners could be present. The preliminary conclusions were included in the minutes of the June 20 meeting, and forward to all landowners. The Committee encouraged the landowners to discuss the matter among themselves and to let the Committee know if they were able to reach any agreement or joint recommendation.

The Committee met again on August 15, 2011, and decided to further delay its decision to give the landowners more time. No formal agreement had been reached by the time of the September 26 meeting, although there seemed to be a sufficient consensus about the decision that the Committee decided to move to a vote at that time.

Using its Procedures and Criteria for Evaluating Calais' Ancient Roads, the Committee made the following findings:

Grist Mill I – Public Values

- The falls and old mill site represent a significant part of East Calais village's history and culture. The public historical, educational and scenic benefit of access to the falls and old mills site is also significant. Although the falls and mill sites are on private land, they are very visible from the **Grist Mill I** road.
- The Town Plan calls for development in the villages, but the narrowness of the **Grist Mill I** road (2 rods) and of the land between the Wilson house and the river makes development of this area very limited.
- The Town Plan places protection of the Kingsbury Branch as a high priority.
- In the winter, snowmobilers use the road with the permission of the affected landowners to reach the East Calais store for gas and food.
- According to one adjacent landowner, large numbers of people are unlikely to use **Grist Mill I** because it has no outlet, so significant impacts from public use are also unlikely.

Grist Mill I – Private Values

- The old mill site and riverside are privately owned. Even if the road is retained, the public has no right of access to these sites without the landowner's permission.
- Lisa Wilson, representing her mother Helen Wilson, originally requested that the Town discontinue the road. Lisa subsequently told the Committee that she did not object to the Town retaining the road in "Trail" status, but requested that the width of the road be narrowed and that only pedestrian access be allowed, unless all of the adjacent landowners agreed otherwise.
- Adjacent landowners Syver and Mary Labate Rogstad did not object to continued public access.

- Landowner John Risse did not object to continued public access, but wanted to ensure that whether the Town continued or discontinued this ancient road, his right of access to an otherwise landlocked parcel would not be affected. It is the Committee's understanding that even if an ancient road is discontinued, adjacent landowners continue to have a private right-of-way to provide ingress and egress to the properties.

Grist Mill I – Other Considerations

- The existence of this ancient road appears to have been well known by residents of East Calais village, and is used frequently as a footpath.
- A public trail easement could replace the ancient road, but this would require the agreement of all the affected landowners. To date, no such agreement has been reached.

Grist Mill II – Public Values

- Although **Grist Mill II** terminates in the general vicinity of **Grist Mill I**, the Committee could not establish that two roads actually touch.
- Although the river can be seen from the lower end of **Grist Mill II**, the view of the falls and mill site is far superior from **Grist Mill I**.
- **Grist Mill II** is sometimes used instead of **Grist Mill I** as a path for snowmobiles heading to the East Calais store, although the distance on Moscow Woods Road is longer.
- The existing pathway is far too narrow to support additional development in the area, and the steep banks on each side of the path preclude widening the road to support vehicular access.

Grist Mill II – Private Values

- **Grist Mill II** crosses only one ownership (Bowen), and the landowner has requested discontinuance.

Conclusions and Recommendations

In weighing for public and private values and other considerations for **Grist Mill I and II**, the Committee arrived at the following conclusions and recommendations:

- The falls and old mill site represent a special part of Calais' history. Therefore, public pedestrian access should be preserved for historical, educational and scenic interest. At least one member of the Committee felt that scenic values alone are not a sufficient reason to retain an ancient road, but that the outstanding historical and educational values were sufficient in this case.
- This objective is achieved by retaining a public right-of-way on **Grist Mill I** only. **Grist Mill II** adds little, if any, public benefit and should be discontinued.
- In retaining **Grist Mill I** as a public road, the Selectboard should place it in "trail" status, and limited access to public pedestrian use only, unless the Selectboard and all adjacent landowners agree otherwise.

- The Selectboard may wish to consider narrowing the road to one rod.
- If any problems arise concerning public use of the trail, the Town should work with the affected landowners to resolve the problems, including placing a gate at the entrance of **Grist Mill I** to restrict any vehicular access except by the landowners having a key.
- If all adjacent landowners agree, the Selectboard could consider replacing the ancient road with a dedicated trail easement.
- In making these recommendations, the Committee does not intend to affect any existing rights of way for vehicular access to reach adjacent properties. This intent should be noted in the Selectboard's decision to continue **Grist Mill I**, should the Selectboard agree with the Committee's recommendations.

Based on these findings and conclusions, the Committee recommends that the Calais Selectboard place **Grist Mill I** on the Town highway map as a "Trail" limited to pedestrian access. It further recommends that the Calais Selectboard discontinue **Grist Mill II**.

Respectfully submitted,

Calais Committee on Unmapped and Unmaintained Roads

Charlotte Hanna Bassage
 Darby Bradley, Chair
 Reed Cherington
 Gail Graham
 John Meyer*
 Warner Shedd
 Eric Sorenson

* John Meyer was unable to be present for the November 2 meeting, but had previously voted to support the Committee's recommendation at the September 26 meeting.

Approved: January 9, 2012

Minutes of the meeting of the
Calais Committee on Unmapped and Unmaintained Roads
Town Office, December 7, 2011

Members present: Darby Bradley, chair; John Meyer; Charlotte Hanna Bassage; Gail Graham; Eric Sorenson; Reed Cherington; Warner Shedd

Warner moved, Darby seconded minutes of November 26; unanimously approved.

A.S. Nelson Road and A.S. Nelson Extension

Site walk participants included Committee members Darby and Gail and landowners Doug Lilley, Brent Lilley, David Rodgers, Lisa Middleton and Juanita Nunn. The A.S. Nelson Road is visible from its beginning on Lightening Ridge Rd. on Doug Lilley's property to where it ends in a field belonging to Brent Lilly. However, the A.S. Nelson Extension, which is supposed to continue northward from the end of the A.S. Nelson Road to George Road, is not "clearly observable", and has been discontinued by virtue of the Town's vote for "mass discontinuance. Although there is not a clear record of the Selectboard's laying out the A.S. Nelson Road, it may nonetheless exist by dedication and acceptance, as Doug Lilley remembers the road itself has been dedicated and accepted in town minutes. Doug remembers when the road was rolled in the winter time. However, the Committee members did not find any significant public purpose in retaining the road, as without the A.S. Nelson Extension, it becomes a dead end. Landowners Doug and Brent Lilley and David Rodgers requested that the A.S. Nelson Road be discontinued.

Darby moved and Gail seconded that the Committee recommend to the Selectboard that the A.S. Nelson Road be discontinued. No further action is required on the Extension. The motion was approved unanimously.

Perez Wheelock Road

Reed and Gail have walked the road, which is in two segments. It starts around the top of the hill on Batten Rd. and passes along Carr Brook for about 1/2 mile and ends at a foundation. There was light snow on the ground, but the road appeared clearly observable. It is a lovely wildlife area (beavers near the water) and a lovely short walk. The road does not appear to connect to any other trail or road. However, the Committee felt that there needed to be a further evaluation. Charlotte and Warner agreed to walk the road, invite Peter and Jan Brough along with other committee members, and fill out a site walk report. A decision on the Committee's recommendation to the Selectboard was delayed until the next meeting.

Sparrow Road Extension

Charlotte has walked the road and described its path over the hill from Alice Blachley's field. However, she could not find where the original road was supposed to come out on Martin Road. The current path ends near Bill and Ruth Porter's house, but does not with the presumed description. Another problem is that a survey of the road was never found, so that it is impossible to know whether the current path follows the location of the original road, if it did exist. Charlotte said she would look make a further investigation. John Meyer wondered whether this was one of the earliest of Calais's roads, in which case it may be of historical interest. Darby will try to find out from the League of Cities and Towns more about Dedication and Acceptance, as the road was laid out in the 1700s when roads were not surveyed. No decision was made on the Committee's recommendation.

Symonds Road

This road was walked by the committee on the same date as the Grist Mill Roads. There is a survey from 1831. No one knows who the Symonds were or where their house was located; the road is described as beginning at the house (presumably at the southern end but not at Route 14). Old documents describe a ball field down by Route 14. The Wallings 1851 map does not show the road. Eric has figured where the northern end probably is, but speculates that what we've been walking is not what the survey describes and therefore does not believe the road can be considered visible.

John says the road is a "floater", which may be the appropriate terminology in this instance. Darby pointed out that the mill referred to in the survey may have been located somewhere other than the grist mills, which would place the road in a different area. John's examination of the land records from 1832 suggests the location may be related to changes made in Route 14 around the same time: 4 roads, including Symonds, are all alterations recorded on the same day. John noted this followed a series of major floods in Calais

Eric recommended that the Dwinell's request to discontinue the road be honored, especially since it does not connect to Route 14, and is not clearly observable in all areas. Charlotte would like to leave everything as is: not a formal road but not discontinued; she believes that it is a special resource as part of the village district. John does not recommend discontinuance just in case the road includes part of the current Route 14, which the Selectboard certainly would not like to discontinue.

Warner moved and Reed seconded a motion that because the road appears to lie within the village district, the Selectboard might wish to investigate this road further, but that it is beyond the capability of this committee to resolve. The motion was approved unanimously.

Dodge Road

John Meyer described the Dodge Road as a flat logging road which continues for about 0.7 miles and ends just short of the Woodbury Town line. Portions of the road are clearly visible and it is currently being used as a recreational path for hiking, skiing and snowmobiling. John had thought that the road was solely on Jody Bayne's land, but it

appears to go through the property of at least 2 other landowners, including L.W. Smith and Chet Briggs. John has not walked the road, but has carefully researched and demarcated it on a GPS unit. Reed will try to verify who the other two landowners are. John will contact Jody about setting up a site visit with Reed and Darby.

Next meeting: Monday January 9. The Committee will meet once more to try to complete its work and consider its report to the Selectboard.

Respectfully submitted,

Charlotte Hanna Bassage

2012 Calais Town Report

Ancient Roads Committee

For the past two years, the Calais Committee on Unmapped and Unmaintained Roads has been evaluating the 42 ancient roads identified by the Calais Ancient Roads Team (CART) through exhaustive research of town and state highway records. The Calais Selectboard had asked the Committee to examine the documentation developed by CART, walk each road, talk with landowners and other citizens who have an interest in the road, develop criteria to guide the consideration of public and private interests, and for each road make a recommendation to the Selectboard on whether the Town should discontinue the road, place it on the official town highway map, or take some other action. As of this writing, the Committee had completed its investigation of all 42 roads, but still hadn't made a final decision of the 42nd road. The Committee expects to submit its final report to the Selectboard in February 2012.

During the course of the Committee's work, the Selectboard voted to "mass discontinue" all ancient roads which are not "clearly observable" in the field as a road or a trail, a procedure which was allowed under the State's ancient roads statute. A group of Calais citizens filed a petition to overturn that decision, but in a special town meeting held on September 21, 2010, Calais voters upheld mass discontinuance by a 3-1 margin. Following that vote, if the Committee could not find evidence that an ancient road was clearly observable, it reported that finding and recommended no further action.

Of the 42 roads, 18 were not "clearly observable", and therefore were deemed to have been discontinued. In two other cases, the road was either not visible or was co-located with an existing town highway, so the Committee recommended no action. Sixteen roads were clearly observable, but the Committee found they lacked any significant public value, and so recommended formal discontinuance. Most of these roads led to a house or old foundation or to the middle of a field, but didn't connect to anything. One landowner declined to participate, so the Committee recommended no action. In one case (Grist Mill I in East Calais Village), the Committee recommended that the road be retained as a public trail, because of its proximity to the falls and mill sites which formed a significant part of the village's history and culture. One Several roads lacked a proper survey, so it was impossible to determine whether an existing trail followed the ancient roads. Two other roads were recommended for further research or formal public hearing to consider public and private interests expressed in retaining or discontinuing the road. One road was still awaiting a decision.

It is important to note that the recommendations of the Committee are not final, and the Selectboard must make the final decision on whether to discontinue or retain the remaining visible roads. State law sets out a formal process for discontinuance or placing a road on the town highway map. That process will include, at a minimum, notice to the affected landowners and a public hearing.

Finally, there has been a common misperception, which the Committee shared for a time, that if the Selectboard does not place an ancient road on the town highway map by July 1, 2015, it will

automatically be discontinued. An attorney for the Vermont League of Cities and Towns has advised the Committee that this provision in State law applies only to "unidentified corridors". If in fact there is "clearly observable" evidence in the field that a road or trail once existed, it can only be discontinued by the Selectboard going through the formal discontinuance process.

Once the Committee has submitted its final report to the Selectboard, a copy will be posted on the Town's website _____.

Charlotte Hannah Bassage
Darby Bradley, Chair
Reed Cherington
Gail Graham
John Meyer
Warner Shedd
Eric Sorenson